



General Assembly

Substitute Bill No. 5253

February Session, 2010

* ____HB05253APP__042610__ *

***AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES
CONCERNING THE CRIMINAL JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-172 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) A person is guilty of failure to appear in the first degree when (1)
4 while charged with the commission of a felony and while out on bail
5 or released under other procedure of law, [he] such person wilfully
6 fails to appear when legally called according to the terms of [his] such
7 person's bail bond or promise to appear, or (2) while on probation for
8 conviction of a felony, [he] such person wilfully fails to appear when
9 legally called for [a violation of probation hearing] any court hearing
10 relating to a violation of such probation.

11 (b) Failure to appear in the first degree is a class D felony.

12 Sec. 2. Section 53a-173 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2010*):

14 (a) A person is guilty of failure to appear in the second degree when
15 (1) while charged with the commission of a misdemeanor or a motor
16 vehicle violation for which a sentence to a term of imprisonment may
17 be imposed and while out on bail or released under other procedure of

18 law, [he] such person wilfully fails to appear when legally called
19 according to the terms of [his] such person's bail bond or promise to
20 appear, or (2) while on probation for conviction of a misdemeanor or
21 motor vehicle violation, [he] such person wilfully fails to appear when
22 legally called for [a violation of probation hearing] any court hearing
23 relating to a violation of such probation.

24 (b) Failure to appear in the second degree is a class A misdemeanor.

25 Sec. 3. Section 51-237 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2010*):

27 Each juror, duly chosen, drawn and summoned, who fails to appear
28 shall [have committed an infraction] be subject to a civil penalty, the
29 amount of which shall be established by the judges of the Superior
30 Court, but the court may excuse [him] such juror from the payment
31 thereof. If a sufficient number of the jurors summoned do not appear,
32 or if for any cause there is not a sufficient number of jurors to make up
33 the panel, the court may order such number of persons who qualify for
34 jury service under section 51-217 to be summoned as may be
35 necessary, as talesmen, and any talesman so summoned who makes
36 default of appearance without sufficient cause shall [have committed
37 an infraction] be subject to a civil penalty, the amount of which shall be
38 established by the judges of the Superior Court. The provisions of this
39 section shall be enforced by the Attorney General within available
40 appropriations.

41 Sec. 4. Section 53a-137 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2010*):

43 The following definitions are applicable to this part:

44 (1) "Written instrument" means any instrument or article containing
45 written or printed matter or the equivalent thereof, used for the
46 purpose of reciting, embodying, conveying or recording information
47 or constituting a symbol or evidence of value, right, privilege or
48 identification, which is capable of being used to the advantage or

49 disadvantage of some person.

50 (2) "Complete written instrument" means [one] a written instrument
51 which purports to be a genuine written instrument fully drawn with
52 respect to every essential feature thereof. An endorsement, attestation,
53 acknowledgment or other similar signature or statement is deemed
54 both a complete written instrument in itself and a part of the main
55 instrument in which it is contained or to which it attaches.

56 (3) "Incomplete written instrument" means [one] a written
57 instrument which contains some matter by way of content or
58 authentication but which requires additional matter in order to render
59 it a complete written instrument.

60 (4) A person "falsely makes" a written instrument when [he] (A)
61 such person makes or draws a complete written instrument in its
62 entirety, or an incomplete written instrument, which purports to be an
63 authentic creation of its ostensible maker or drawer, but which is not
64 such either because the ostensible maker or drawer is fictitious or
65 because, if real, [he] the ostensible maker or drawer did not authorize
66 the making or drawing thereof, or (B) such person signs his or her own
67 name to a written instrument, thereby falsely and fraudulently
68 representing that he or she has authority to sign in such capacity.

69 (5) A person "falsely completes" a written instrument when (A) such
70 person, by adding, inserting or changing matter, [he] transforms an
71 incomplete written instrument into a complete [one] written
72 instrument, without the authority of [anyone] any person entitled to
73 grant it, so that such complete written instrument appears or purports
74 to be in all respects an authentic creation of or fully authorized by its
75 ostensible maker or drawer, or (B) such person signs his or her own
76 name to a written instrument, thereby falsely and fraudulently
77 representing that he or she has authority to sign in such capacity.

78 (6) A person "falsely alters" a written instrument when (A) such
79 person, without the authority of [anyone] any person entitled to grant
80 it, [he] changes a written instrument, whether it be in complete or

81 incomplete form, by means of erasure, obliteration, deletion, insertion
82 of new matter [.] or transposition of matter [.] or in any other manner,
83 so that such instrument in its thus altered form appears or purports to
84 be in all respects an authentic creation of or fully authorized by its
85 ostensible maker or drawer, or (B) such person signs his or her own
86 name to a written instrument, thereby falsely and fraudulently
87 representing that he or she has authority to sign in such capacity.

88 (7) "Forged instrument" means a written instrument which has been
89 falsely made, completed or altered.

90 Sec. 5. Subsection (b) of section 54-76l of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *October 1, 2010*):

93 (b) The records of any such youth, or any part thereof, may be
94 disclosed to and between individuals and agencies, and employees of
95 such agencies, providing services directly to the youth, including law
96 enforcement officials, state and federal prosecutorial officials, school
97 officials in accordance with section 10-233h, court officials, the Division
98 of Criminal Justice, the Court Support Services Division and an
99 advocate appointed pursuant to section 54-221 for a victim of a crime
100 committed by the youth. Such records shall also be available to the
101 attorney representing the youth, in any proceedings in which such
102 records are relevant, to the parents or guardian of such youth, until
103 such time as the youth reaches the age of majority or is emancipated,
104 and to the youth upon his or her emancipation or attainment of the age
105 of majority, provided proof of the identity of such youth is submitted
106 in accordance with guidelines prescribed by the Chief Court
107 Administrator. Such records shall also be available to members and
108 employees of the Board of Pardons and Paroles and employees of the
109 Department of Correction who, in the performance of their duties,
110 require access to such records, provided the subject of the record has
111 been adjudged a youthful offender and sentenced to a term of
112 imprisonment or been convicted of a crime in the regular criminal
113 docket of the Superior Court, and such records are relevant to the

114 performance of a risk and needs assessment of such person while such
115 person is incarcerated, the determination of such person's suitability
116 for release from incarceration or for a pardon, or the determination of
117 the supervision and treatment needs of such person while on parole or
118 other supervised release. Such records shall also be available to law
119 enforcement officials and prosecutorial officials conducting legitimate
120 criminal investigations. Such records disclosed pursuant to this
121 subsection shall not be further disclosed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	53a-172
Sec. 2	<i>October 1, 2010</i>	53a-173
Sec. 3	<i>October 1, 2010</i>	51-237
Sec. 4	<i>October 1, 2010</i>	53a-137
Sec. 5	<i>October 1, 2010</i>	54-76l(b)

JUD *Joint Favorable Subst.*

APP *Joint Favorable*